

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Norfolk Division

UNITED STATES OF AMERICA

v.

2:06CR17

KEITH G. LEBEAUX,

Defendant.

REPORT AND RECOMMENDATION
CONCERNING GUILTY PLEA

Defendant, by consent, has appeared before the undersigned pursuant to Rule 11, Federal Rules of Criminal Procedure, and referral from a United States District Judge and has entered a guilty plea to conspiracy to commit mail and bank fraud, in violation of 18 U.S.C. §§ 2, 371, 1341, and 1344. Defendant is also charged with mail fraud, bank fraud, and creating counterfeit securities of organizations, in violation of 18 U.S.C. §§ 2, 1341, 1344, and 513(a). Defendant understands that the latter two charges will be dismissed upon acceptance of his guilty plea, and the United States confirmed defendant's understanding.

Defendant was represented by retained counsel, Trevor Robinson, Esquire. On August 31, 2006, defendant appeared before the Court for the purpose of entering his guilty plea. He was appropriate in appearance, responsive, and competently prepared for the hearing.

Defendant answered all questions put to him in clear and concise language. On those occasions when he had a question, defendant consulted with counsel and then promptly answered. Defendant was courteous and appropriate in his behavior at all times and clearly understood the seriousness of his position. At the close of the

proceeding, defendant was continued on bond, subject to the same conditions of release as originally imposed.

Defendant is thirty years of age, attended some college, and speaks English as his native language. There was no evidence that defendant was on drugs, alcohol, or medication which might impair his judgment. He was cooperative throughout the proceeding.

Defendant entered the guilty plea pursuant to a plea agreement. The Court is completely satisfied, based upon defendant's behavior and responses, that he has been well advised by counsel and that he fully appreciates his position. Furthermore, he acknowledged that the statement of facts prepared in anticipation of his plea accurately reflects the government's evidence, in the event of trial.

After cautioning and examining defendant under oath concerning each of the subjects mentioned in Rule 11, with particular emphasis on his understanding of legal concepts and procedures, the Court determined that the offense charged is supported by independent facts, establishing each of the essential elements of such offense. Therefore, the Court recommends that the guilty plea be accepted and that defendant be adjudged guilty and have sentence imposed accordingly.

Failure to file written objections to this report and recommendation within ten days from the date of its service shall bar an aggrieved party from attacking such report and recommendation before the assigned United States District Judge. 28 U.S.C. § 636(b)(1)(B).

Norfolk, Virginia
September 8, 2006

/s/
James E. Bradberry
United States Magistrate Judge

Clerk's Mailing Certificate

A copy of the foregoing Report was mailed this date to each of
the following:

Trevor Robinson, Esquire
Robinson, Neeley & Anderson
256 West Freemason St.
Norfolk, VA 23510

Steven W. Haynie, Esquire
Assistant United States Attorney
United States Attorney's Office
101 West Main Street, Suite 8000
Norfolk, VA 23510

Fernando Galindo, Acting Clerk

By _____
Deputy Clerk
_____, 2006